

**SUPREME COURT MINUTES  
WEDNESDAY, FEBRUARY 18, 2004  
SAN FRANCISCO, CALIFORNIA**

**S121173**

F041148 Fifth Appellate District

FOX v. ETHICON ENDO-SURGICAL

Petition for review granted (civil case)

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S121845**E032592 Fourth Appellate District,  
Division Two

PEOPLE v. JAKE

Petition for review granted; transferred to CA 4/2

The above-entitled matter is hereby transferred  
to the Court of Appeal, Fourth Appellate  
District, Division Two, with directions to vacate  
its judgment and to reconsider the cause in light  
of *People v. Jones* (1993) 5 Cal.4th 1142.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S122151**B163516 Second Appellate District,  
Division Six

PEOPLE v. HERRERA

Petition for review granted; transferred to CA 2/6

The court having been advised that defendant  
Ronald Steven Herrera died on or about  
February 2, 2004, the petition for review is  
granted and the cause is transferred to the Court  
of Appeal, Second Appellate District, Division  
6, with directions to enter an order in Case No.  
B163516 permanently abating all proceedings  
with respect to defendant upon verification of  
the death and to require the Superior Court for  
Santa Barbara County to enter an order to that  
effect in Case No. 1068301 . (Rule 29.3(d), Cal.  
Rules of Court; *People v. Dail* (1943) 22 Cal.2d  
642, 659; *People v. Bandy* (1963) 216  
Cal.App.2d 458, 466.)

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S068655**

JENKINS (DANIEL STEVEN) ON H.C.  
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied.

Each claim is denied on the merits.

The sixth and ninth claims are each procedurally barred, separately and independently, because they were raised and rejected on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 825; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Brown, J., would deny solely on the merits.

**S081408**

FARNAM (JACK GUS) ON H.C.  
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied.

Each claim is denied on the merits.

The following subclaims of the following claims are procedurally barred, separately and independently, because they were raised and rejected on appeal (see *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225): the subclaims of claim III regarding petitioner's alleged invocation of his right to remain silent and the alleged involuntariness of his confessions (see *People v. Farnam* (2002) 28 Cal.4th 107, 177-183); the subclaims of claim VI regarding the state's failure to properly preserve biological evidence collected from the victim's body and home (see *id.* at pp. 165-167); and the subclaims of claim XI relating to Jurors Joseph O., John S., Thomas V., and Lucas D. (see *id.* at pp. 132-134).

The following subclaims of claim XI are procedurally barred, separately and independently, because they could have been, but were not, raised on appeal (see *In re Harris*, *supra*, 5 Cal.4th at pp. 824-829; *In re Dixon* (1953) 41 Cal.2d 756, 759): the subclaim relating to Juror Ida P.'s alleged concealment of her father's and cousin's murders and her brother's acquittal of those murders; the subclaim relating to Juror John C.'s alleged bias

in light of his wife's experience as the victim of a purse-snatching and John C.'s alleged exposure to Juror Violet J.'s purse-snatching experience during petitioner's trial; and the subclaim relating to Alternate Juror Sylvia B.'s alleged bias in light of her juror questionnaire response stating she was "for the death penalty."

The subclaim of claim XI predicated on the contention that petitioner's case was tried to a biased judge, presented for the first time in the "Informal Reply to Response to Petition for Writ of Habeas Corpus," is stricken. (See *In re Clark* (1993) 5 Cal.4th 750, 781, fn. 16.)

Brown, J., would deny the petition solely on the merits.

**S119310**

MODESTO IRRIGATION DISTRICT v. P.U.C. (PG&E)  
Petition for writ of review denied

Chin, J., was recused and did not participate.

**S119365**

CALIFORNIA MUNICIPAL UTILITIES ASSOC. v.  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
Petition for writ of review denied

Chin, J., was recused and did not participate.

**S119368**

MERCED IRRIGATION DISTRICT v. CALIFORNIA  
PUBLIC UTILITIES COMMISSION (PG&E)  
Petition for writ of review denied

Chin, J., was recused and did not participate.

**S119376**

CORONA, CITY OF v. CALIFORNIA PUBLIC  
UTILITIES COMMISSION  
Petition for writ of review denied

Chin, J., was recused and did not participate.

**S120584**

AMINIZAR v. S.C. (O'CONNELL)  
Petition for writ of mandate/prohibition denied

**S120854**

B168257 Second Appellate District,  
Division Seven

RALPHS GROCERY CO. v. S.C. (SWANSON)  
Petitions for review denied

Baxter, J. and Chin, J., are of the opinion the  
petition should be granted.  
Chin, J., was recused and did not participate.

**S120887**

B170918 Second Appellate District,  
Division Seven

KB HOME v. S.C. (CONSOLIDATED INDUSTRIES)  
Petition for review denied

**S120913**

B160388 Second Appellate District,  
Division Three

PEOPLE v. GAINES  
Petitions for review denied

**S120934**

B167912 Second Appellate District,  
Division Seven

KB HOME v. S.C. (CONSOLIDATED INDUSTRIES)  
Petition for review & depublication request denied

**S120935**

D040166 Fourth Appellate District,  
Division One

ANTICANCER v. NOVARTIS PHARMACEUTICALS  
Petition for review & publication request denied

**S120954**

E032525 Fourth Appellate District,  
Division Two

SAHLOLBEI v. PROVIDENCE HEALTHCARE  
Petition for review & depublication request denied

Kennard, J., is of the opinion the petition should  
be granted.

**S121071**

B166742 Second Appellate District,  
Division Two

BEDROSIAN v. TENET HEALTHCARE CORP.  
Petitions for review & publication request denied

Kennard, J. and Brown, J., are of the opinion the  
petition should be granted.  
Baxter, J., was recused and did not participate.

**S121092**

H023404 Sixth Appellate District

PEOPLE v. GLASPER  
Petitions for review denied

**S121115**

E034577 Fourth Appellate District,  
Division Two

McCOOK v. S.C. (PEOPLE)  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S121175**

F044349 Fifth Appellate District

HARRIS (ARTHUR) ON H.C.  
Petition for review denied

**S121213**

B161314 Second Appellate District,  
Division Five

PEOPLE v. TUCKER  
Petition for review denied

**S121220**

B159831 Second Appellate District,  
Division Two

PEOPLE v. ESCARENO  
Petition for review denied

**S121223**

D043284 Fourth Appellate District,  
Division One

LASHER v. S.C. (LASHER)  
Petition for review denied

**S121244**

B160435 Second Appellate District,  
Division Five

PEOPLE v. BRIZUELA  
Petitions for review denied

**S121259**

B171157 Second Appellate District,  
Division Six

JONES (MICHAEL S.) ON H.C.  
Petition for review denied

**S121266**

A100717 First Appellate District,  
A102171 Division Two

PEOPLE v. CONNELLY  
Petition for review denied

**S121290**

C043164 Third Appellate District

PEOPLE v. BOYD  
Petition for review denied

**S121303**

A096385 First Appellate District,  
Division Two

PEOPLE v. PICKENS  
Petition for review denied

**S121307**

B162764 Second Appellate District,  
Division Seven

## PEOPLE v. WITHERS

Petition for review denied

**S121325**

G026941 Fourth Appellate District,  
Division Three

## PEOPLE v. MARTINEZ

Petition for review & depublication request denied

**S121327**

D040805 Fourth Appellate District,  
Division One

## PEOPLE v. SHUFELT

Petition for review denied

**S121338**

E032345 Fourth Appellate District,  
Division Two

## PEOPLE v. PIRNIA

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed November 6, 2003, which appears at 113 Cal.App.4th 120. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

Kennard, J., is of the opinion the petition should be granted.

**S121341**

B162457 Second Appellate District,  
Division Three

## PEOPLE v. SPRUIELL

Petition for review denied

**S121345**

G033096 Fourth Appellate District,  
Division Three

## POWELL (NATE STARR) ON H.C.

Petition for review denied

**S121349**

B157578 Second Appellate District,  
Division Four

## GLASSMAN v. MCNAB

Petition for review denied

**S121350**

B170487 Second Appellate District,  
Division Two

## ESCARENO (ROBERT) ON H.C.

Petition for review denied

**S121354**

C040937 Third Appellate District

## PEOPLE v. THERRIAN

Petition for review &amp; depublication request denied

Brown, J., is of the opinion the petition should be granted.

**S121376**B158889 Second Appellate District,  
Division Six

## PEOPLE v. RICHSON

Petitions for review denied

**S121387**

H025310 Sixth Appellate District

## PEOPLE v. DEGUZMAN

Petition for review denied

**S121389**B160659 Second Appellate District,  
Division Eight

## PEOPLE v. JIMENEZ

Petition for review denied

**S121403**

F040310 Fifth Appellate District

## PEOPLE v. LOPEZ

Petition for review denied

**S121407**E034563 Fourth Appellate District,  
Division Two

## STABEN (LEE MICHAEL) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

**S121414**G029976 Fourth Appellate District,  
Division Three

## PEOPLE v. STOKES

Petition for review denied

**S121420**B164486 Second Appellate District,  
Division Two

## PEOPLE v. CHEAVES

Petition for review denied

**S121422**

C039008 Third Appellate District

## PEOPLE v. HANSON

Petition for review denied

**S121423**G029178 Fourth Appellate District,  
Division Three

## PEOPLE v. REZA AND LOMELI

Petitions for review denied

**S121449**

A104223 First Appellate District,  
Division Two

RUIZ (TOMMY RENE) ON H.C.  
Petition for review denied

**S121455**

B153301 Second Appellate District,  
Division Two

PEOPLE v. MATHEWS AND JOHNSON  
Petitions for review denied

**S121480**

B171793 Second Appellate District,  
Division Three

HARRIS (JASON WALTER) ON H.C.  
Petition for review denied

**S121481**

F040143 Fifth Appellate District

PEOPLE v. ROBERTSON  
Petition for review denied

**S121485**

B164634 Second Appellate District,  
Division Three

PEOPLE v. BAILEY  
Petition for review denied

**S121494**

H024950 Sixth Appellate District

PEOPLE v. BERNARD  
Petition for review denied

**S121499**

B161015 Fourth Appellate District,  
Division Two

PEOPLE v. MAZURETTE  
Petition for review denied

**S121501**

C045578 Third Appellate District

CAMPBELL v. STOCK  
Petition for review denied

**S121502**

C045678 Third Appellate District

CAMPBELL v. PINESCHI  
Petition for review denied

**S121507**

C045431 Third Appellate District

CAMPBELL v. DE AMICIS  
Petition for review denied

**S121515**

C045474 Third Appellate District

CAMPBELL v. DAWSON  
Petition for review denied



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| <b>S121517</b><br>C045525 Third Appellate District                     | CAMPBELL v. S.C. (VONASEK)<br>Petition for review denied                           |
| <b>S121524</b><br>B162521 Second Appellate District,<br>Division Seven | PEOPLE v. NGUYEN<br>Petition for review denied                                     |
| <b>S121525</b><br>C045677 Third Appellate District                     | CAMPBELL v. VONASEK<br>Petition for review denied                                  |
| <b>S121526</b><br>C045587 Third Appellate District                     | CAMPBELL v. STOCK<br>Petition for review denied                                    |
| <b>S121527</b><br>A100115 First Appellate District,<br>Division Five   | PEOPLE v. PRITCHETT<br>Petition for review denied                                  |
| <b>S121529</b><br>H024629 Sixth Appellate District                     | PEOPLE v. AGABON<br>Petition for review denied                                     |
| <b>S121531</b><br>B159251 Second Appellate District,<br>Division One   | ESLAMIEH v. COACHMEN RECREATIONAL<br>VEHICLE COMPANY<br>Petition for review denied |
| <b>S121537</b><br>B166886 Second Appellate District,<br>Division Seven | C. (LAUREN), IN RE<br>Petition for review denied                                   |
| <b>S121538</b><br>F042448 Fifth Appellate District                     | L. (MICHAEL) IN RE<br>Petition for review denied                                   |
| <b>S121546</b><br>F039779 Fifth Appellate District                     | PEOPLE v. THOMPSON<br>Petition for review denied                                   |
| <b>S121550</b><br>B157157 Second Appellate District,<br>Division Five  | ASH v. HOAG PROPERTY MANAGEMENT INC.<br>Petition for review denied                 |

**S121555**

G033228 Fourth Appellate District,  
Division Three

CITIBANK (WEST) v. S.C. (BALL)  
Petition for review denied

**S121556**

B166810 Second Appellate District,  
Division Four

S. (GINA), IN RE  
Petition for review denied

**S121558**

A098028 First Appellate District,  
Division Three

PEOPLE v. ROGERS  
Petition for review denied

**S121559**

E032819 Fourth Appellate District,  
Division Two

ALCOA, INC. v. CALIFORNIA CARTAGE CO. INC.  
Petition for review denied

**S121561**

A100648 First Appellate District,  
Division Five

MIC PROPERTY v. UNIVERSAL UNDERWRITERS  
Petition for review denied

**S121564**

G000000 Fourth Appellate District,  
Division Three

CAMPBELL v. S.C. (LINGAN)  
Petition for review denied

**S121565**

G Fourth Appellate District,  
Division Three

CAMPBELL v. S.C. (LINGAN)  
Petition for review denied

**S121566**

H024329 Sixth Appellate District

REHON & ROBERTS v. MAHL  
Petition for review & publication request denied

**S121567**

CAMPBELL v. S.C. (LINGAN)  
Petition for review denied

**S121574**

C045568 Third Appellate District

KLAT v. BOARD OF REGISTERED NURSING  
Petition for review denied

**S121578**

D039675 Fourth Appellate District,  
Division One

LAUER v. SCHAEFER

Petition for review denied

**S121581**

G030572 Fourth Appellate District,  
Division Three

BALCOF, MARRIAGE OF

Petition for review denied

**S121585**

D039911 Fourth Appellate District,  
Division One

PEOPLE v. ANDERSON

Petition for review denied

**S121598**

B159517 Second Appellate District,  
Division Eight

GUZEY v. KAPP

Petition for review denied

**S121600**

A101491 First Appellate District,  
Division Four

HOFFMAN v. STATE BAR OF CALIFORNIA

Petition for review denied

**S121605**

E032511 Fourth Appellate District,  
Division Two

STEINBERG v. ABATECOLA

Petition for review denied

**S121606**

F040257 Fifth Appellate District

M. (ERIC) IN RE

Petition for review denied

**S121610**

A101093 First Appellate District,  
Division Two

PEOPLE v. PEREZ

Petition for review denied

**S121611**

A098940 First Appellate District,  
Division Two

CALIFORNIA DEPT OF FAIR EMPLOYMENT v.  
U.S. FOODSERVICE INC. (ZAMORA)

Petition for review denied

**S121613**

D041275 Fourth Appellate District,  
Division One

RIDGWAY et al. v. DIAZ et al.

Petition for review denied

**S121616**

C042205 Third Appellate District

## PEOPLE v. ALMER

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S121630**A100260 First Appellate District,  
A100746 Division Four

## PEOPLE v. BECK

Petitions for review denied

**S121640**B159630 Second Appellate District,  
Division One

## PEOPLE v. HEZEKIAH

Petition for review denied

**S121647**

H026641 Sixth Appellate District

## F. (ANAIYA), IN RE

Petition for review denied

**S121656**

C043119 Third Appellate District

## PEOPLE v. ESPARZA

Petition for review denied

**S121663**A102501 First Appellate District,  
Division Four

## LU, MARRIAGE OF

Petition for review denied

**S121664**B152751 Second Appellate District,  
Division Two

## RED ROCK RANCH v. DRISCOLL

Petition for review denied

**S121665**

F043893 Fifth Appellate District

MORGAN v. S.C. (SAN JOAQUIN COMMUNITY  
HOSPITAL)

Petition for review denied

**S121675**B160886 Second Appellate District,  
Division Seven

## PEOPLE v. SHEARD

Petitions for review denied

**S121680**E032689 Fourth Appellate District,  
Division Two

## PEOPLE v. CHAVEZ

Petition for review denied

**S121681**

F041933 Fifth Appellate District

## PEOPLE v. FIGURES

Petition for review denied

**S121684**

F041956 Fifth Appellate District

## PEOPLE v. DODD

Petition for review denied

**S121686**B162369 Second Appellate District,  
Division Three

## PEOPLE v. LIVINGSTON

Petition for review denied

**S121690**D041114 Fourth Appellate District,  
Division One

## PEOPLE v. YOUNG

Petition for review denied

**S121691**A100189 First Appellate District,  
Division One

## PEOPLE v. SISK

Petition for review denied

**S121692**D040879 Fourth Appellate District,  
D040881 Division One

## PEOPLE v. FULLER

Petition for review denied

**S121693**D040833 Fourth Appellate District,  
Division One

## PEOPLE v. STROUD

Petition for review denied

**S121694**

C041191 Third Appellate District

## PEOPLE v. CHIU

Petition for review denied

**S121695**B166658 Second Appellate District,  
Division Seven

## H. AMIRAH, IN RE

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed November 24, 2003, which appears at 113 Cal.App.4th 709. (Cal. Const., art. VI, section Kennard, J., is of the opinion the petition \*- should be granted.

**S121704**

B163502 Second Appellate District,  
Division Three

PEOPLE v. BAILEY

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S121705**

F042432 Fifth Appellate District

PEOPLE v. REYES

Petition for review denied

**S121708**

E032859 Fourth Appellate District,  
Division Two

REEVES v. CHAMPIONSHIP AUTO RACING

Petition for review denied

**S121710**

A102995 First Appellate District,  
Division Five

M. (TEREZ), IN RE

Petition for review denied

**S121711**

H025292 Sixth Appellate District

B. (COBY), IN RE

Petition for review denied

**S121714**

B166163 Second Appellate District,  
Division Two

PEOPLE v. TREADWAY

Petition for review denied

**S121718**

B162373 Second Appellate District,  
Division Two

PEOPLE v. DEGOL

Petition for review denied

**S121719**

B164257 Second Appellate District,  
B164520 Division Three

PEOPLE v. JACKSON

Petition for review denied

**S121720**

D040566 Fourth Appellate District,  
Division One

PEOPLE v. BROOKS

Petition for review denied

**S121721**

A098127 First Appellate District,  
Division Three

PEOPLE v. PUGA

Petition for review denied

**S121722**

B155574 Second Appellate District,  
Division Two

## PEOPLE v. GRASSINI

Petition for review & depublication request denied

**S121725**

H023828 Sixth Appellate District

## NICHOLSON v. FAZELI

Petitions for review denied

Chin, J., was recused and did not participate.

**S121727**

B171408 Second Appellate District,  
Division Eight

## MAZAHERI v. S.C. (PERSAD)

Petition for review denied

**S121728**

B158393 Second Appellate District,  
B160331 Division Four

## ROBERTI v. ANDY'S TERMITE &amp; PEST CONTROL

Petition for review & depublication request denied

Chin, J., was recused and did not participate.

**S121732**

B160421 Second Appellate District,  
Division Four

## PEOPLE v. CASTILLO

Petition for review denied

**S121735**

D043249 Fourth Appellate District,  
Division One

## HAMILTON v. S.C. (PEOPLE)

Petition for review denied

**S121738**

B160952 Second Appellate District,  
Division Two

## SOUTHERN CALIFORNIA PAINTERS v. NISSIM

Petition for review denied

**S121740**

B162928 Second Appellate District,  
Division One

## PEOPLE v. SMITH

Petition for review denied

**S121745**

H024398 Sixth Appellate District

## R. (EDDIE), IN RE

Petition for review denied

**S121747**

B163774 Second Appellate District,  
Division Two

## PEOPLE v. AISONY

Petition for review denied

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| <b>S121750</b><br>D040738 Fourth Appellate District,<br>Division One   | PEOPLE v. LEE<br>Petition for review denied             |
| <b>S121751</b><br>B161589 Second Appellate District,<br>Division Two   | PEOPLE v. CLARK<br>Petition for review denied           |
| <b>S121753</b><br>C040818 Third Appellate District                     | HEALY v. BAUER<br>Petition for review denied            |
| <b>S121754</b><br>C044439 Third Appellate District                     | PEOPLE v. MARTIN<br>Petition for review denied          |
| <b>S121755</b><br>A098629 First Appellate District,<br>Division Three  | PEOPLE v. GIBSON<br>Petition for review denied          |
| <b>S121756</b><br>C037213 Third Appellate District                     | PEOPLE v. BOWCUTT<br>Petition for review denied         |
| <b>S121758</b><br>C042178 Third Appellate District                     | PEOPLE v. COOPER<br>Petition for review denied          |
| <b>S121759</b><br>G031457 Fourth Appellate District,<br>Division Three | ALBERTINI & GILL v. MOLDO<br>Petition for review denied |
| <b>S121760</b><br>B164299 Second Appellate District,<br>Division Three | PEOPLE v. DEKERMENJIAN<br>Petition for review denied    |
| <b>S121765</b><br>A102015 First Appellate District,<br>Division Five   | PEOPLE v. ELLIS<br>Petition for review denied           |
| <b>S121768</b><br>B164497 Second Appellate District,<br>Division Four  | PEOPLE v. RUDAN<br>Petitions for review denied          |



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| <b>S121772</b><br>B160920 Second Appellate District,<br>Division Eight | PEOPLE v. RODRIGUEZ<br>Petition for review denied |
| <b>S121773</b><br>F040829 Fifth Appellate District                     | PEOPLE v. ROBLES<br>Petition for review denied    |
| <b>S121775</b><br>B159398 Second Appellate District,<br>Division Seven | PEOPLE v. COLE<br>Petition for review denied      |
| <b>S121776</b><br>E031253 Fourth Appellate District,<br>Division Two   | PEOPLE v. ORTIZ<br>Petition for review denied     |
| <b>S121777</b><br>B162370 Second Appellate District,<br>Division Seven | PEOPLE v. KING<br>Petition for review denied      |
| <b>S121790</b><br>D042089 Fourth Appellate District,<br>Division One   | P. (LEAH), IN RE<br>Petition for review denied    |
| <b>S121793</b><br>C042569 Third Appellate District<br>C042935          | PEOPLE v. PETERSON<br>Petition for review denied  |
| <b>S121796</b><br>A099502 First Appellate District,<br>Division Five   | PEOPLE v. LANE<br>Petition for review denied      |
| <b>S121798</b><br>C041832 Third Appellate District                     | PEOPLE v. KANAWYER<br>Petition for review denied  |
| <b>S121801</b><br>B160431 Second Appellate District,<br>Division Four  | PEOPLE v. MEDELLIN<br>Petition for review denied  |

**S121804**

H025693 Sixth Appellate District

PEOPLE v. CORTEZ

Petition for review denied

**S121806**

H024155 Sixth Appellate District

PEOPLE v. MCCORD

Petition for review denied

**S121811**B165167 Second Appellate District,  
Division Two

L. (GUILLERMO), IN RE

Petition for review denied

**S121812**

F042187 Fifth Appellate District

PEOPLE v. PERAL

Petition for review denied

**S121816**B162127 Second Appellate District,  
Division Eight

PEOPLE v. VALENZUELA

Petition for review denied

**S121820**G030404 Fourth Appellate District,  
Division Three

PEOPLE v. RAMIREZ

Petition for review denied

**S121823**B161643 Second Appellate District,  
Division Four

PAPEN v. CALLAHAN, MCCUNE &amp; WILLIS

Petition for review &amp; publication request denied

**S121826**A102260 First Appellate District,  
Division Three

FRANCIES v. KAPLA

Petition for review denied

**S121855**

C043736 Third Appellate District

M. (MATTHEW) IN RE

Petition for review denied

**S121857**B143157 Second Appellate District,  
B147634 Division Four

BGJ ASSOCIATES v. WILSON

Petitions for review denied

George, C.J., was recused and did not participate.

**S121858**

H025203 Sixth Appellate District

PEOPLE v. RAMIREZ

Petition for review denied

**S121861**

C045094 Third Appellate District

ADIONG v. WCAB (YOUTH AUTHORITY)

Petition for review denied

**S121870**A012324 First Appellate District,  
Division One

N. (EBONY), IN RE

Petition for review denied

**S121871**

F041408 Fifth Appellate District

PEOPLE v. TUCKER

Petition for review denied

**S121873**B164304 Second Appellate District,  
Division Two

PEOPLE v. REED

Petition for review denied

**S121876**G030395 Fourth Appellate District,  
Division Three

PEOPLE v. RODRIGUEZ

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S121878**D040076 Fourth Appellate District,  
D040219 Division One

PEOPLE v. WILLIS

Petition for review denied

**S121886**B161815 Second Appellate District,  
Division Six

PEOPLE v. SMITH

Petition for review denied

**S121891**

F041221 Fifth Appellate District

PEOPLE v. BUSH

Petition for review denied

**S121893**

H022091 Sixth Appellate District

BROOKS v. CITY OF SAN JOSE

Petition for review denied

**S121897**

C042489 Third Appellate District

PEOPLE v. VALDEZ

Petition for review denied

**S121898**B163227 Second Appellate District,  
Division Four

KIRAKOSIAN v. HAIRAPETIAN

Petition for review denied

**S121899**D042014 Fourth Appellate District,  
Division One

PEOPLE v. BRIDGETT

Petition for review denied

**S121900**

H025542 Sixth Appellate District

PEOPLE v. PEREZ

Petition for review denied

**S121901**B162131 Second Appellate District,  
Division Four

PEOPLE v. QUINONES

Petition for review denied

**S121902**B160752 Second Appellate District,  
Division Six

PEOPLE v. PENNY

Petition for review denied

**S121904**D041632 Fourth Appellate District,  
Division One

H. (AMEER), IN RE

Petition for review denied

**S121906**B161482 Second Appellate District,  
Division Six

PEOPLE v. ROBERSON

Petition for review denied

**S121910**B165664 Second Appellate District,  
Division Five

BENETIC v. LOS ANGELES, COUNTY OF

Petition for review denied

**S121914**E031351 Fourth Appellate District,  
Division Two

PEOPLE v. FRANKLIN

Petition for review denied

|   |   |
|---|---|
| <b>S121918</b><br>C041156 Third Appellate District                    | PEOPLE v. HACK<br>Petition for review denied      |
| <b>S121919</b><br>D039934 Fourth Appellate District,<br>Division One  | PEOPLE v. CULVER<br>Petition for review denied    |
| <b>S121920</b><br>F042048 Fifth Appellate District                    | PEOPLE v. THIESSEN<br>Petition for review denied  |
| <b>S121921</b><br>D039844 Fourth Appellate District,<br>Division One  | PEOPLE v. CURRY<br>Petition for review denied     |
| <b>S121927</b><br>B165332 Second Appellate District,<br>Division Five | PEOPLE v. FIELDER<br>Petition for review denied   |
| <b>S121930</b><br>H025317 Sixth Appellate District                    | PEOPLE v. WAGNER<br>Petition for review denied    |
| <b>S121931</b><br>E033427 Fourth Appellate District,<br>Division Two  | PEOPLE v. FERNANDEZ<br>Petition for review denied |
| <b>S121932</b><br>B159647 Second Appellate District,<br>Division Six  | LAURSEN v. POPE<br>Petition for review denied     |
| <b>S121934</b><br>D041616 Fourth Appellate District,<br>Division One  | PEOPLE v. VALADEZ<br>Petition for review denied   |
| <b>S121935</b><br>F039853 Fifth Appellate District                    | PEOPLE v. CLEVINGER<br>Petition for review denied |

Baxter, J., was recused and did not participate.

**S121936**

C041916 Third Appellate District

L. (JORDAN), IN RE

Petition for review denied

**S121938**G031038 Fourth Appellate District,  
Division Three

PEOPLE v. WILSON

Petitions for review denied

**S121939**G030933 Fourth Appellate District,  
Division Three3121 MICHELSON DRIVE LLC v. ORANGE  
COUNTY SANITATION DIST.

Petition for review denied

**S121940**B164567 Second Appellate District,  
B169100 Division Eight

PEOPLE v. KIRAKOSYAN

Petition for review denied

**S121942**

H025350 Sixth Appellate District

PEOPLE v. CRAMER

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S121946**

H024831 Sixth Appellate District

PEOPLE v. PULLEY

Petition for review denied

**S121947**G030324 Fourth Appellate District,  
Division ThreeCROW WINTHROP DEV., LLP v. ORANGE  
COUNTY SANITATION DISTRICT

Petition for review denied

**S121949**B163308 Second Appellate District,  
Division Four

PEOPLE v. CAZARES

Petition for review denied

**S121954**B160903 Second Appellate District,  
Division Seven

PEOPLE v. MILLSAP

Petition for review denied

**S121955**

H025032 Sixth Appellate District

PEOPLE v. BULLOCK

Petition for review denied

**S121958**

H023576 Sixth Appellate District

PEOPLE v. GABOT

Petition for review denied

**S121959**G031131 Fourth Appellate District,  
Division Three

PEOPLE v. STARLING

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S121964**E032953 Fourth Appellate District,  
Division Two

PEOPLE v. ENGRAM

Petition for review denied

**S121967**B160753 Second Appellate District,  
Division Four

PEOPLE v. ZALAPA

Petition for review denied

**S121969**B161282 Second Appellate District,  
Division Two

PEOPLE v. LINO

Petition for review denied

**S121978**A101803 First Appellate District,  
Division Five

PEOPLE v. ALEXANDER

Petition for review denied

**S121980**

C040402 Third Appellate District

PEOPLE v. DEPONTE

Petition for review denied

**S121981**

H023781 Sixth Appellate District

PEOPLE v. MYINT

Petition for review denied

Request for judicial notice denied.

**S122032**

UNIVERSITY OF CALIFORNIA STUDENTS ASSN.  
v. SCHWARZENEGGER, AS GOVERNOR  
Petition for writ of mandate/prohibition denied

The petition for an original writ of mandate is denied without prejudice to the

commencement of any appropriate proceeding  
in the superior court.

Kennard, J., is of the opinion the petition  
should be granted.

**S122040**

B165578 Second Appellate District,  
Division Five

**PEOPLE v. MARTINEZ**

Petition for review denied

**S122045**

D043398 Fourth Appellate District,  
Division One

**MARSH v. S.C. (PEOPLE)**

Petition for review denied

**S122055**

C041989 Third Appellate District

**PEOPLE v. HARNEY**

Petition for review denied

**S122169****MONTES v. S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

**S122174**

D041512 Fourth Appellate District,  
Division One

**CANDIDO v. NATIONAL SCHOOL DISTRICT**

Petition for review denied

**S122330**

B165702 Second Appellate District,  
Division Five

**JONES v. LANCASTER NEWPORTER**

Petition for review and application for stay denied

**S122524**

B172935 Second Appellate District,  
Division Seven

**ENS (JOSEPH) ON H.C.**

Petition for review and application for stay denied

**S122636**

C045932 Third Appellate District

**GARCIA v. S.C. (DEPARTMENT OF EDUCATION)**

Petition for review and application for stay denied

**S122672**

B173053 Second Appellate District,  
Division Four

**MASRY & VITITOE, BARON & BUDD v. S.C.  
(CITY OF BEVERLY HILLS)**

Petition for review and application for stay denied



**S112933**

KIDWELL (RANDY L.) ON H.C.  
Petition for writ of habeas corpus denied

**S115479**

FORRISTER (CLINTON JOE) ON H.C.  
Petition for writ of habeas corpus denied

**S115660**

COLMENERO (GILBERT) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *People v.*  
*Duvall* (1995) 9 Cal.4th 464, 474.)

**S115773**

MORALES (JUSTO) ON H.C.  
Petition for writ of habeas corpus denied

**S115896**

ELAM (WILLIAM F.) ON H.C.  
Petition for writ of habeas corpus denied

**S116192**

MARISCAL (LEONARD) ON H.C.  
Petition for writ of habeas corpus denied

**S116205**

SHIELDS (REMON) ON H.C.  
Petition for writ of habeas corpus denied

**S116209**

ROUSE (NATHANIEL R.) ON H.C.  
Petition for writ of habeas corpus denied

**S116309**

ISAAC (DANIEL) ON H.C.  
Petition for writ of habeas corpus denied

**S116440**

WEATHERMON (WARREN) ON H.C.  
Petition for writ of habeas corpus denied

**S116468**

MENDOZA (MARCOS S.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S116472**

STEWART (JESSE L.) ON H.C.  
Petition for writ of habeas corpus denied

**S116481**

TURNER (MOSES L.) ON H.C.  
Petition for writ of habeas corpus denied

**S116487**

LEE (WALTER DAMON) ON H.C.  
Petition for writ of habeas corpus denied

**S116488**

RAMIREZ (ADAM SALAS) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S116491**

COOK (TERRY) ON H.C.  
Petition for writ of habeas corpus denied

**S116493**

RODRIGUEZ (OSCAR) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S116499**

LOPEZ (ANDREW R.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S116502**

MCKINNEY (NATHAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

**S116509**

MCCARTHY (GREGORY M.) ON H.C.  
Petition for writ of habeas corpus denied

**S116600**

EVANS (WILLIE RAY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S116601**

JENKINS (QUINCY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S116604**

DE SPENZA (ROSS HARVEY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756; *In re Dexter* (1979) 25 Cal.3d 921.)

**S116607**

AGUILAR (JAMES) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

**S116608**

MCCRAE (GEORGE E.) ON H.C.

Petition for writ of habeas corpus denied

**S116616**

BLACK (CHARLES) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S116625**

BERNELL (ROBINSON) ON H.C.

Petition for writ of habeas corpus denied

**S116636**

RUBIO (MARIO RENE) ON H.C.

Petition for writ of habeas corpus denied

**S116650**D036063 Fourth Appellate District,  
Division One

SILVA (PHILLIP) ON H.C.

Petition for writ of habeas corpus denied

**S116651**

KAY (JAMES) ON H.C.

Petition for writ of habeas corpus denied

**S116661**

FINNEY (AARON LEE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S116663**

FOUNTAIN (ERNEST) ON H.C.

Petition for writ of habeas corpus denied

**S116664**

LEWIS (VONDELL) ON H.C.

Petition for writ of habeas corpus denied

**S116666**

WILLIAMS (TERRY) ON H.C.

Petition for writ of habeas corpus denied

**S116682**

BELL (HORACE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)**S116684**

GARZA (MIGUEL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)**S116704**

SAMUEL (JASON) ON H.C.

Petition for writ of habeas corpus denied

**S116706**

HERNANDEZ (JUAN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

**S116707**

CALDWELL (DIRRYE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S116725**

MCCLOUD (LAWRENCE) ON H.C.

Petition for writ of habeas corpus denied

**S116735**

BENNETT (FREDERICK D.) ON H.C.

Petition for writ of habeas corpus denied

**S116744**

SINGSON (RONALD W.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S116756**

LOWE (FLOYD) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S116768**

WAKEFIELD (MERLE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S116787**

MANRIQUEZ (ALEJANDRO) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

**S116816**

GONZALEZ (MARIO) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

**S116832**

GUTIERREZ (SANTIAGO) ON H.C.

Petition for writ of habeas corpus denied

**S116838**

MCELROY (LATWAHN) ON H.C.

Petition for writ of habeas corpus denied

**S116885**

MINNIFIELD (MELVIN) ON H.C.

Petition for writ of habeas corpus denied

**S116896**

DALTON (TONY E.) ON H.C.

Petition for writ of habeas corpus denied

**S116900**

ARZUAGA (GREGORY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *People v. Floyd* (2003) 31 Cal.4th 179, 188-191.)

**S116902**

MCELROY (LATWAHN) ON H.C.

Petition for writ of habeas corpus denied

**S116978**

ZEPEDA (ROGELIO) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S117076**

BELL (HORACE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)

**S117732**LOPEZ (ANDREW R.) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S119142**RAMOS (JUAN A.) ON H.C.  
Petition for writ of habeas corpus denied**S119263**EAKINS (BILLY L.) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750.)**S119338**RAMOS (JUAN A.) ON H.C.  
Petition for writ of habeas corpus denied**S119418**STEVENSON (JOSEPH) ON H.C.  
Petition for writ of habeas corpus denied**S119443**THOMAS (ERIC A.) ON H.C.  
Petition for writ of habeas corpus denied**S119454**PAIZ (JOHN) ON H.C.  
Petition for writ of habeas corpus denied**S119505**DENNIS (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied**S119525**FRANKLIN (SHAWN T.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)(See *In re Dixon* (1953) 41 Cal.2d 756.)**S119569**NUNEZ (WINTRON D.) ON H.C.  
Petition for writ of habeas corpus denied

**S119570**

NUNEZ (WINTRON D.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Dexter* (1979) 25 Cal.3d 921.)**S119596**

LACALLO (ENRIQUE ALEX) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S119611**

PAIZ (JOHN) ON H.C.

Petition for writ of habeas corpus denied

**S119729**

WELCH EVERETT (EUGENE) ON H.C.

Petition for writ of habeas corpus denied

**S119794**

MURPHY (TYRONE) ON H.C.

Petition for writ of habeas corpus denied

**S119858**

POLLARD (GEORGE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S119862**

ALLEN (ANTHONY) ON H.C.

Petition for writ of habeas corpus denied

**S119929**

BENNETT (FREDERICK) ON H.C.

Petition for writ of habeas corpus denied

**S120009**

NUNEZ (WINTRON D.) ON H.C.

Petition for writ of habeas corpus denied

**S120695**

MORRIS (VINCENT) ON H.C.

Petition for writ of habeas corpus denied



**S121411**

SHAVER (DAVID) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S122138**

RICKS (EDWARD) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

**S122160**

SHAVER (DAVID) ON H.C.

Petition for writ of habeas corpus denied

**S122195**

BROWN (ROLAND DEAN) ON H.C.

Petition for writ of habeas corpus denied

**S122282**

ALVAREZ (FRANCISCO) ON H.C.

Petition for writ of habeas corpus denied

**S122284**

PATTON (MICHAEL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)

**S122327**

ROSENBLUM (PHILLIP JON) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)

**S122328**

ROSENBLUM (PHILLIP JON) ON H.C.

Petition for writ of habeas corpus denied

**S122471**

MORTON (ROY LEE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S114738**

C038678 Third Appellate District

HAGAN ENGINEERING v. MILLS

Publication ordered (case closed)

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Officials Reports. See rule 978(c), California Rules of Court.

**S119786**

F040956 Fifth Appellate District

FRIENDS OF THE KANGAROO RAT v.

DEPARTMENT OF CORRECTIONS

Depublication ordered

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed August 18, 2003, which appears at 111 Cal.App.4th 1400. (Cal.Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

Baxter, J., was recused and did not participate.

**S118578**A097487 First Appellate District,  
Division Three

OPERATING ENGINEERS LOCAL 3 v. JOHNSON

Depublication request denied (case closed)

**S120625**B160288 Second Appellate District,  
Division Four

CALIFORNIA SCHOOL OF CUL. ARTS v. LUJAN

Depublication request denied (case closed)

**S121203**B157911 Second Appellate District,  
Division Two

VANDEVORT v. MCKEE

Publication request denied (case closed)

**S121286**

B163801 Second Appellate District,  
Division Seven

SAN BERNARDINO, COUNTY OF v. COMMISSION  
ON STATE MANDATES

Publication request denied (case closed)

**S121465**

E033473 Fourth Appellate District,  
Division Two

WIDEEN v. CITY OF FONTANA

Publication request denied (case closed)

**S121780**

C042958 Third Appellate District

PLACER, COUNTY OF v. MILLER

Publication request denied (case closed)

**S121781**

A099589 First Appellate District,  
Division One

JOSEPH v. HOWARD

Publication request denied (case closed)

**S121834**

B155283 Second Appellate District,  
Division Three

ZURN CONSTRUCTORS, INC. v. CASTAIC LAKE  
WATER AGENCY

Publication request denied (case closed)

**S029489**

PEOPLE v. HOWARD (ALPHONSO)

Extension of time granted

to April 19, 2004 to file appellant's reply brief.

**S043187**

PEOPLE v. RIGGS (BILLY R.)

Extension of time granted

to April 19, 2004 to file appellant's opening  
brief.

**S049596**

PEOPLE v. BRYANT, SMITH & WHEELER

Extension of time granted

to April 9, 2004 to file appellant SMITH'S  
opening brief. The court anticipates that after  
that date, only two further extensions totaling  
120 additional days will be granted. Counsel is  
ordered to inform his or her assisting attorney  
or entity, if any, and any assisting attorney or  
entity of any separate counsel of record, of this  
schedule, and to take all steps necessary to  
meet it.

**S054489**

PEOPLE v. DOOLIN (KEITH Z.)  
Extension of time granted

to April 12, 2004 to file respondent's brief. After that date, only three further extensions totaling about 150 additional days will be granted. Extension is granted based upon Deputy Attorney General Lloyd G. Carter's representation that he anticipates filing that brief by 9/3/2004.

**S058092**

PEOPLE v. HARRIS (MAURICE)  
Extension of time granted

to April 19, 2004 to file appellant's reply brief.

**S065233**

PEOPLE v. SMITH (FLOYD)  
Extension of time granted

to April 6, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S066939**

PEOPLE v. ALLEN & JOHNSON  
Extension of time granted

to April 13, 2004 to file appellant JOHNSON'S opening brief. After that date, only three further extensions totaling 135 additional days will be granted. Extension is granted based upon Assistant State Public Defender Andrew S. Love's representation that he anticipates filing that brief by 9/1/2004. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S067678**PEOPLE v. MENDOZA (MARTIN)  
Extension of time granted

to April 13, 2004 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 30 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S070327**PEOPLE v. WILSON (ANDRE)  
Extension of time granted

to April 19, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S076721**PEOPLE v. JONES (WILLIAM)  
Extension of time granted

to April 13, 2004 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S114046**LUCERO (MICHAEL A.) ON H.C.  
Extension of time granted

The application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the Attorney General's informal response is extended to and including February 24, 2004.

**S114347**ARIAS (PEDRO) ON H.C.  
Extension of time granted

to March 10, 2004 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Alison Elle Aleman's representation that she anticipates filing that document by 3/10/2004. After that date, no further extension will be granted.

**S114732**BRISCOE (KHYLE A.) ON H.C.  
Extension of time granted

petitioner to and including March 14, 2004 to file Reply to the Attorney General's Informal Response

**S115154**A095474 First Appellate District,  
Division FiveYANOWITZ v. L'OREAL USA  
Extension of time granted

to April 2, 2004 to file application and amicus curiae brief of Equal Rights Advocates in support of appellant.

**S115764**HAWKINS (MYKEL) ON H.C.  
Extension of time granted

to March 1, 2004 to file Attorney General's Informal Response.

**S116554**AVILA (JOHNNY) ON H.C.  
Extension of time granted

to March 10, 2004 to file to file the informal response to the petition for writ of habeas corpus. The court anticipates that after that date, only two further extensions totaling 60 additional days will be granted.

**S116670**HAWTHORNE (ANDERSON) ON H.C.  
Extension of time granted

to March 3, 2004 to file the return to the order to show cause. The court anticipates that after that date, no further extensions will be granted.

**S116870**

C039428 Third Appellate District

PEOPLE ex rel DEPARTMENT OF CONSERVATION  
v. EL DORADO COUNTY  
Extension of time granted

Appellants time to serve and file the answer brief on the merits is extended to and including March 2, 2004.

**S120388**TURNER (MELVIN) ON H.C.  
Extension of time granted

to March 17, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General William H. Davis, Jr.'s representation that he anticipates filing that document by 3/14/2004.

**S121061**WILSON (ROBERT P.) ON H.C.  
Extension of time granted

to March 12, 2004 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 30 additional days are contemplated. Extension is granted based upon Deputy Attorney General Chung L. Mar's representation that he anticipates filing that document by 4/11/2004.

**S122414**FARNAM (JACK) ON H.C.  
Extension of time granted

to April 5, 2004 to file the informal response to the petition for writ of habeas corpus. After that

date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Deputy Attorney General David A. Wildman's representation that he anticipates filing that document by 5/3/2004.

**S015384**

PEOPLE v. LETNER & TOBIN  
Order filed

The motion of appellant Richard Lacy Letner to file an opening brief in excess of 95,200 words is granted.

**S046816**

PEOPLE v. THORNTON (MARK S.)  
Order filed

The application of appellant for leave to file appellant's opening brief in excess of the word count limit is granted.

**S068655**

JENKINS (DANIEL STEVEN) ON H.C.  
Motion denied

Petitioner's "Application for Permission to File Supplemental Petition for Writ of Habeas Corpus, and Supplemental Exhibits in Support of Pending and Supplemental Claims" is denied.

**S099667**

A091884 First Appellate District,  
Division Five

AGUILAR v. LERNER  
Order to show cause issued (contempt matter)

In accordance with the authority vested in this court under Code of Civil Procedure section 1209, Attorney Allen J. Kent, c/o his attorney, Philip Scott Ryan, 944 Union Street, San Francisco, California, and Raul V. Aguilar, 1700 California Street, Suite 400, San Francisco, California are ordered to show cause before this court at 9:00 a.m. on March 9, 2004, at its courtroom at 350 McAllister Street, San Francisco, California, why each should not be held in contempt of court for the willful neglect of the duty to appear for oral argument in the



above-entitled case on February 10, 2004, at the time and place specified in the notice of argument sent on January 14, 2004, by the Supreme Court Clerk pursuant to California Rules of Court, rule 29.2(c), and as confirmed by the oral argument time form received from Attorney Kent on January 29, 2004.

Each attorney is ordered to file a written return with the court on or before Friday, February 27, 2004.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

|                |  |
|----------------|--|
| <b>S115502</b> | MARTINEZ, ACCUSATION OF<br>Petition denied (accusation)  |
| <b>S115777</b> | TENGERI, ACCUSATION OF<br>Petition denied (accusation)   |
| <b>S115786</b> | WHITE, ACCUSATION OF<br>Petition denied (accusation)     |
| <b>S115899</b> | TUGGERSON, ACCUSATION OF<br>Petition denied (accusation) |
| <b>S116294</b> | O'NEAL, ACCUSATION OF<br>Petition denied (accusation)    |
| <b>S116467</b> | RANDAZZO, ACCUSATION OF<br>Petition denied (accusation)  |
| <b>S116583</b> | NEWMAN, ACCUSATION OF<br>Petition denied (accusation)    |
| <b>S116652</b> | SMITH, ACCUSATION OF<br>Petition denied (accusation)     |

|                |  |
|----------------|--|
| <b>S116705</b> | MARTINEZ, ACCUSATION OF<br>Petition denied (accusation)                |
| <b>S116804</b> | STEIN, ACCUSATION OF<br>Petition denied (accusation)                   |
| <b>S116976</b> | STRICKLAND, ACCUSATION OF<br>Petition denied (accusation)              |
| <b>S117042</b> | YOON, ACCUSATION OF<br>Petition denied (accusation)                    |
| <b>S117220</b> | RUTH, ACCUSATION OF<br>Petition denied (accusation)                    |
| <b>S117254</b> | SIMMONDS, ACCUSATION OF<br>Petition denied (accusation)                |
| <b>S117307</b> | YOON, ACCUSATION OF<br>Petition denied (accusation)                    |
| <b>S120265</b> | DAVIS ON DISCIPLINE<br>Petition denied; recommended discipline imposed |

Petition for writ of review DENIED.

It is ordered that **James Steven Davis, State Bar Number 112906**, be suspended from the practice of law in the State of California for four years, that execution of the four-year suspension be stayed, and that he be placed on probation for four years on the conditions recommended by the Review Department of the State Bar Court in its opinion filed on August 6, 2003, as modified by its order filed on October 20, 2003, which conditions include that Davis be actually suspended from the practice of law in this state for two years and until he: (1) makes restitution to Thermal Remediation Corporation, or its successor in interest, in accordance with an order of the Delaware Chancery Court or, if no order is obtained, to the Client Security Fund, in

the amount of \$29,875 plus interest thereon at the rate of 10 percent simple interest per annum from February 14, 1996, until paid and provides proof satisfactory to the State Bar's Office of Probation in Los Angeles of his payment of that restitution; and (2) shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Davis is ordered to take and pass the Multistate Professional Responsibility Examination within the period of his actual suspension and to provide satisfactory proof of his passage of that examination to the State Bar's Office of Probation in Los Angeles within that same time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Further, Davis is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**Bar Misc. 4186****IN THE MATTER OF THE APPLICATION OF THE  
COMMITTEE OF BAR EXAMINERS OF THE  
STATE BAR OF CALIFORNIA FOR ADMISSION  
OF ATTORNEYS**

(2 orders filed for Motions #591 & 592)

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO  
ORIGINAL ORDER)

**SUPREME COURT CALENDAR  
SAN FRANCISCO SESSION  
MARCH 9, 10, and 11, 2004  
(FIRST AMENDED)**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom 350 McAllister Street, Fourth Floor, San Francisco, California, on March 9, 10, and 11, 2004.

TUESDAY, MARCH 9, 2004 – 9:00 A.M.

|         |   |
|---------|---|
| S099667 | In re Allen J. Kent and Raul V. Aguilar, etc.; Aguilar v. Lerner<br>(Order to show cause re contempt)                             |
| S104019 | Gerawan Farming v. Lyons, as Secretary, etc.<br><i>(Baxter, J., not participating; Ruvolo, J., assigned Justice Pro Tempore.)</i> |
| S109537 | People v. Canty   |
| S118032 | Zamos v. Stroud   |

1:30 P.M.

|         |   |
|---------|---|
| S040471 | People v. Milton Ray Pollock (Automatic Appeal) |
| S114285 | People v. Casper                                |

WEDNESDAY, MARCH 10, 2004 – 9:00 A.M.

|         |  |
|---------|--|
| S116358 | Wiener v. Southcoast Childcare           |
| S111494 | People v. Konow                          |
| S104477 | Gavaldon v. Daimler-Chrysler Corporation |

1:30 P.M.

|         |                           |
|---------|---------------------------|
| S107154 | In re Marriage of Goddard |
| S112260 | In re S.B.                |

THURSDAY, MARCH 11, 2004 – 9:00 A.M.

|         |  |
|---------|--|
| S104851 | Haynes v. Farmers Insurance Exchange   |
| S115377 | People v. Britt  |
| S114171 | State of California v. Superior Court, County of Kings; Bodde<br><i>(Baxter, J., not participating; Simons, J., assigned Justice Pro Tempore.)</i> |

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

